

**Juvenile Justice Bills
1996 Iowa Legislative Session**

As monitored by Iowa Attorney General's Office, Juvenile Law Section

Passed and Signed by the Governor

- | | |
|---------|---|
| HF 2256 | FEDERAL BLOCK GRANTS - Sets requirements for implementation of federal block grants which affect local governments. Signed 4/16/96. |
| HF 2458 | INDIGENT DEFENSE - Limits access to court appointed counsel. Specifically excludes incarcerated noncustodial parents from court appointed legal representation in juvenile court matters. |
| SF 2030 | COUNTY MENTAL HEALTH COSTS. Creates a procedure for taking inflation into account in appropriating funds for replacement of county mental health costs. Limits county obligation to pay for services beyond county budget limit. This affects how much counties will contribute to youth services. Signed 2/9/96. |
| SF 2154 | METHAMPHETAMINE CRIMES - Makes ephedrine and pseudoephedrine in medicinal forms schedule IV controlled substances. Defines ephedrine, with the exception of herbal or natural ephedra, as a schedule V controlled substance. Imposes criminal penalties for the sale of methamphetamine based on quantity. Imposes criminal penalties for the manufacture, possession or delivery of ephedrine or pseudoephedrine with the intent to manufacture methamphetamine and for the sale or distribution of these substances for purposes not approved by the FDA. Signed 4/24/96. |
| SF 2211 | FINGERPRINTING. Eliminates the fingerprint requirement of some serious misdemeanor motor vehicle violations. Requires courts to order the fingerprinting of juveniles for certain offenses. Signed 4/18/96. |
| SF 2399 | ASSESSMENT BASED CHILD PROTECTIVE INVESTIGATIONS - Bill originally would have taken Assessment Based Child Protective Investigation pilots, created last year in SF 208, statewide. Bill language was struck and replaced with provision for continuing pilot projects, with a report to the legislature in December 1996; copies of initial abuse reports go to county attorneys; copies |

of final assessment reports go to juvenile court and county attorneys; joint DHS - law enforcement investigations are encouraged; multidisciplinary prosecution and intervention teams are encouraged. DHS is required to initiate assessment within 24 hours of receiving an abuse report, rather than 72. Allows access to the child abuse registry by a person with written consent of an individual to verify whether that individual is listed on the registry. Requires listing on the registry of if DHS finds sexual abuse occurred and the perpetrator is 14 or older and if DHS finds there is a danger to the victim or another child. Signed 4/30/96.

- SF 2410 CHILD DRUG TESTING - Causes the presence of an illegal drug in a child's bloodstream by itself to make that child meet the definition of China. Requires that the act or omission causing the presence of the drug in the child be a foreseeable consequence instead of an act or omission that a reasonable person would have expected to cause such a result. Strikes the prohibition against using the drug tests in criminal proceedings. Strikes the requirement that DPH set standards and approve labs and voids the rules adopted by the DPH concerning medically relevant tests for drugs. Allows reasonable visits from a parent whose child is taken into foster care. House amendment: Restores the prohibition on using test results obtained prior to birth for criminal prosecution. Signed 4/15/25.
- SF 2413 ASSOCIATE JUDGES - Includes associate juvenile and probate judges as judicial officers. Signed 4/23/96.
- SF 2420 ATTORNEY GENERAL'S JUVENILE JUSTICE BILL - Provides limited stays in residential treatment as a sanction for delinquent day treatment programs; adds prior placement in a delinquency day treatment program as an alternative to residential treatment to the training school admission criteria; clarifies that lesser included offenses follow forcible felonies, etc. when excluded from juvenile court jurisdiction; adds to Associate Juvenile Court Judges' powers; and clarifies that otherwise eligible juveniles released from residential treatment may be listed on the sex offender registry. House amendments: Deletes provision concerning the state training school criteria. Adds "brandishing a dangerous weapon " to the definition of criminal acts covered by the criminal street gangs section of the Code. Signed 4/18/96.
- SF 2430 VICTIM'S RIGHTS IN DELINQUENCY CASES - Allows the victim of a delinquent act by a child to file a victim impact statement with the court and receive certain information about the case. Signed 4/16/96.
- SF 2442 HUMAN SERVICES APPROPRIATIONS - Appropriates \$740.5 million to DHS, including \$24.6 million for group foster care. There is no numerical cap for

group foster care. A region may spend up to 5% over its group foster care budget cap so long as it does not exceed its overall allocation for child welfare services. There is no increase for local delinquency programs or increased capacity at the training school.

Among other provisions: Performance standards in future contracts with Merit Behavioral Corporation; elimination of CACT teams if allowed by changes in federal medicaid requirements; and a task force created by the legislative council to review the structure, function and programs of DHS.

Among provisions vetoed: Requirement that Merit Behavioral Corp. disclose information about profits and administrative costs; prohibition against implementation of the modification team vision plans without specific legislative authorization; requirement that DHS work with providers to cut paperwork; and \$75,000 appropriation for DHS restructuring task force.

SF 2448 HEALTH AND HUMAN RIGHTS APPROPRIATIONS - Makes appropriations. Among other things, authorizes the division of criminal and juvenile justice planning access to juvenile and criminal justice records in other state agencies. Specific appropriation for a youth runaway shelter in an urban area was removed in conference committee. Signed 4/24/96.

SF 2470 STANDING AND LOTTERY APPROPRIATIONS - Numerous provisions including \$1.2 million in DHS reversionary funds to juvenile tracking and monitoring programs. The governor vetoed a \$150,000 appropriation for an urban runaway shelter and language concerning chronic runaways.

Passed, Not Binding

HCR 28 STATUS OFFENDERS. Requests Congress to repeal the federal mandate concerning decriminalization of status offenses by juveniles. Passed by both houses.

Dead

HF 16 MINOR CONSENT TO TREATMENT. Allows a minor age 14 or older to give or withdraw consent to receive substance abuse or mental illness treatment. Requires that a parent or guardian give consent for a minor under age 14. Passed House. Died in Senate committee.

HF 2209 CHILD CARE/OFFENDER REGISTRY. Requires DHS to check the sex offender registry for the names of employees of child foster care facilities, juvenile detention center or shelter care facilities or licensed child care providers.

Requires DHS to check the sex offender registry for the name of anyone who has applied to adopt a child through the department. Contains other related provisions. Similar to SF 2126. Voted out of House Judiciary Committee.

SF 2103 MINOR MENTAL TREATMENT. Allows a minor to agree to limited out-patient mental treatment without the consent of a parent or guardian under certain conditions. Prohibits holding the parent or guardian financially liable and prohibits a mental health center from denying treatment based on a minor's inability to pay. Voted out of Senate Human Resources Committee. Died in the Senate.

SF 2183 TRUANCY FIP CUTS - Requires the DHS to cut benefits for a FIP recipient whose child is reported by the child's school as truant. Voted out of Senate Human Resources Committee. Died in the Senate.

SF 2142 LOCAL CORRECTIONS GRANTS. Creates a local corrections infrastructure grants program, administered by the division of criminal and juvenile justice. Creates a task force to help pick grant recipients. Establishes two types of grants: 1) \$ 25 million to be split among the judicial districts based on size, for jails and juvenile facilities and 2) \$ 9 million for grants based on crime rates, innovation and need. Appropriates funds from prison revenue bonds and fine surcharges and allows money to be garnished from violators above the current statutory limit.

Voted out of Senate Appropriations Committee. Became a \$150,000 appropriation to the Justice Department for an interim study. Vetoed.

SF 2229 JUVENILE EMERGENCY SHELTER CARE (Hammond) Allows for the establishment of staff secure facilities and allows for holding juveniles in such facilities for up to 48 hours without Court Order. Department of Human Rights to write regs. Voted out of Senate Human Resources Committee. SF 2439 pursued instead.

SF 2306 AT-RISK CHILDREN PROGRAMS. Directs state agencies to form a work group to coordinate services which will report to the legislature before the end of the 1996 session. Appropriates \$3.2 million for the Iowa Healthy Families program. Develops a block grant for programs aimed at kids from 0-5. (Blueprint for Children Study Committee)

Became a \$115,000 appropriation for expansion of Healthy Families in the Human Services Appropriations bill, SF 2442. Item vetoed by the Governor.

- SF 2285 JUVENILES IN JAIL - Allows a juvenile waived to district court on a forcible felony to be held in jail as an adult.
- Voted out of Senate Judiciary committee, and referred to Ways and Means committee. Filed in the House as an amendment to SF 2435, Seamless Jurisdiction. Died on the House calendar at the end of the session.
- SF 2380 CHILD ABUSE REPORTING. Requires mandatory reporters of child abuse to report the sexual abuse of a child under 12 which results from the acts or omissions of a person not responsible for the care of the child. Requires the DHS to refer reports to law enforcement agencies within 72 hours. Increases the penalty for mandatory reporters who fail to report child abuse to a serious misdemeanor. Passed the Senate. Died in House Judiciary Committee.
- SF 2406 TRUANCY/PARENTAL AND SCHOOL NOTIFICATION/ COMPULSORY ATTENDANCE/ HARBORING TRUANTS AND RUNAWAYS/ DELINQUENCY INFORMATION. Schools and parents notified if juveniles discovered to be in possession of alcohol or drugs; compulsory attendance from age 6, or time of first enrollment in kindergarten, until age 16; loss of driver's license for person under 18 who does not attend school; mandated mediation for truants and referral to juvenile court for failure; civil penalty for parents of \$100 to \$1,000, and for juveniles of \$25; immunity for non- school employee intervening in a fight at a school event; penalties for harboring a runaway; truancy is defined as a simple misdemeanor, but detention in a secure facility is forbidden.
- Passed Senate and House Education Committee. Died on House calendar at the end of the session.
- SF 2417 CHILD PLACEMENTS & JUVENILE JUDGES - Allows notice for juvenile proceedings through the newspaper and allows the court to dispense with notice to a person whose whereabouts are unknown. Allows the court to remove a child from the home of someone who is emotionally abusing the child. Allows permanent placement hearings twelve months after a child has been removed from the home of a custodial parent. Makes other changes to the procedures for the permanent or long term placement of a child removed from home. Requires guardians ad litem to file an oath. Provides for additional powers for associate juvenile court judges. Passed Senate; died in House Judiciary Committee.
- SF 2428 BAILIFF SERVICES/JUVENILE COURT JUDGES - Provides bailiffs for associate juvenile court judges and hospitalization referees; increases

powers of associate juvenile court judges. Bailiff provision struck in the House Judiciary Committee. Judges' powers provisions similar to SF 2420.

SF 2435 SEAMLESS JURISDICTION - Allows the transfer of juveniles to adult court for certain crimes. Allows the juvenile to receive a deferred sentence and be placed into the youthful offender program. Authorizes juvenile court services and allows juveniles who violate the conditions of the program to be treated like a probation violator.

Passed Senate and House Judiciary Committee; died on House calendar at the end of the session.

SF 2439 RUNAWAY CHILDREN - Creates a grant program for counties to fund runaway programs and appropriates \$6 million for it. Gives police officers authority to hold runaways. Defines a chronic runaway. Makes it an aggravated misdemeanor to harbor a runaway.

Voted out of Senate Judiciary Committee and referred to Senate Appropriations Committee. Language incorporated into SF 2442 with an appropriation of \$200,000. Removed during conference committee.

Language and appropriation then incorporated into SF 2470, the standing and lottery appropriations bill. The appropriation was removed in conference committee. The bill went to the governor with SF 2439 language and an appropriation for an urban shelter, previously contained in SF 2448. The governor vetoed both provisions.

Much of this material was originally from the Iowa Legislative News Service. It is used with permission from Peter Small.